

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel

District Personnel Manual Issuance System

This instruction should be filed
behind the divider for Part III of DPM
Chapter (s) 11B

DPM Instruction No. 11B-29

SUBJECT: Appointments Above the Minimum Rate
Based on Superior Qualifications

Date: October 30, 2003

NOTE: This instruction supersedes Paragraph 2.11, Appointments Above the Minimum Rate of DS-11 Based on Superior Qualification, of Subpart 2 of the District Personnel Manual (DPM), Chapter 11B, Compensation, Part II; DPM Instruction No. 11B-5, dated August 26, 1986; and DPM Instruction No. 11B-18, dated March 19, 1992.

1. Purpose

The purpose of this instruction is to explain the revised provisions for the setting of pay rates at higher than the minimum rate for the grade for appointments to certain positions in the Career Service and Management Supervisory Service (MSS).

2. Types of Superior Qualifications Appointments

Subject to the approval of the Director of Personnel (or his or her designee), an agency head (or his or her designee) may make superior qualifications appointments as follows:

- a. A superior qualifications appointment to a Career Service position at grade levels DS-12 (or equivalent) and higher, or to an MSS position at grade levels MS-12 (or equivalent) and higher, when the candidate has superior qualifications for the position.
- b. A superior qualifications appointment to a Career Service position at grade levels DS-9 through DS-11 (or equivalent), or an MSS position at grade level MS-11 (or equivalent), when the position is designated by the Director of Personnel as hard-to-fill and the candidate has superior qualifications for the position.

A position may be designated as hard-to-fill on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of the highly specialized qualification requirements for the position.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart I, § 1.3.]

Inquiries: Management Services, DCOP (202) 671-1300

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

Retain Until Superseded

- c. A superior qualifications appointment to a Career Service or MSS medical officer (physician and dentist) position, a position in an allied medical occupation (as specified below), a position as a pharmacist, psychologist, licensed practical nurse or registered nurse, or as a social worker, based on an exceptional or critical need for a particular skill that is not readily available. Superior qualifications appointments to positions in the allied medical occupations will be limited to positions in the following series: 603, 625, 631, 633, 636, 637, 638, 639, 642, 644, 645, 646, 647, 648, 649, 651, 661, 667, 681, 682, and 688.

3. Use of Authority for New Appointments and Reemployment

A superior qualifications appointment pursuant to this instruction may be made by new (initial) appointment or by reemployment, except that when made by reemployment, the candidate must have had a break in service of at least ninety (90) calendar days since his or her last period of District government employment.

4. Requirements and Criteria

- a. Prior Approval Required. Prior approval from the Director of Personnel must be obtained when an agency wishes to make a superior qualifications appointment. An agency may not appoint an individual at the first (1st) step of the grade and then ask the Director of Personnel for approval to change the appointment to a higher step based on a claim of superior qualifications. A superior qualifications appointment is not appropriate after the candidate enters on duty, and retroactive approval is not authorized. Therefore, selecting officials are cautioned against making firm salary commitments to prospective appointees before the approval of the Director of Personnel is obtained.

A request for superior qualifications should be submitted only after it is determined that the candidate is within reach on a certificate of eligibles or has reinstatement eligibility.

- b. General Considerations. The primary consideration in using the superior qualifications appointment authority is the ability to meet the needs of the District government by giving agencies some flexibility in negotiating with individual candidates. Therefore, the authority shall be used only when necessary to meet the needs of the District government.
- c. Superior Qualifications of the Candidate. A superior qualifications appointment shall be based on the candidate's "unusually high" or "unique" qualifications for the position being filled. "Unusually high qualifications" means that the qualifications of the candidate are markedly superior to those that could be expected of a well-qualified candidate for the position being filled. "Unique qualifications" means that the qualifications of the candidate are a rare combination of education and experience immediately pertinent to the position being filled. An agency should also consider such factors as: (1) the candidate's high stature in the field of endeavor; (2) how well the candidate is regarded by others in the field; (3) the number of advanced degrees

- attained; (4) published articles, unusual skills, or interdisciplinary training which are pertinent to the position being filled; and (5) whether the candidate's outstanding reputation will contribute to success on the job. It is important to note that the qualifications of the candidate are only one factor that must be considered as part of the total picture.
- d. Existing Pay. One of the factors to be considered when deciding whether to request an advanced rate for a candidate is the existing pay which the candidate would have to forfeit by accepting District government employment. Existing pay includes the candidate's income from his or her present position and from any other employment which forms a regular, continuing portion of the candidate's total income and which the candidate will not be able to continue as a District government employee. Current bona fide offers of employment from other sources at a higher rate than the candidate's existing salary may also be considered. It is important to remember that the candidate's existing pay is only one factor and cannot be considered singly, and that this factor, and the candidate's unusually high or unique qualifications for the position being filled, must be considered jointly.
 - e. Special Need of Essential Services. In extremely rare instances, an advanced hiring rate may be appropriate when the conditions discussed above are not met, but when there is a need for the services of a particular candidate because his or her special experience, knowledge, or skills are essential to the accomplishment of a highly important agency program objective. In other words, it must be clearly demonstrated that a significant part of an agency's mission will have to be curtailed if the candidate is not hired. Mere convenience to the agency does not meet this criterion. Also, curtailment of a function at a single agency activity will not be the basis for the approval of an advanced hiring rate unless it can be shown that this will materially affect the whole District government.
 - f. Relation to Current Employees. Before requesting an advanced rate for a new appointee, agencies should ensure that current employees would not be adversely impacted. In other words, it is important not to disrupt the pay alignment of an organization just to hire a single individual if that individual truly does not meet the requirements for an advanced pay rate.
 - g. Using Authority to Recruit Persons with Ph.D. Degrees. When candidates having recent Ph.D. degrees appropriate to the positions to be filled are found to have superior qualifications, these candidates may be currently unemployed, or may be employed at the university where they received the degree so that their incomes may be non-existent or artificially low. In these cases, agencies should consider the number of offers which the individual has received and the rate at which Ph.D. degree holders are being paid in the candidate's field.
 - h. Procedures for Requesting Prior Approval and Required Documentation and Information. An agency requesting approval of a superior qualifications appointment shall complete a Standard Form 59, Request for Approval of Noncompetitive Action, and submit it to the Director of Personnel, along with the following information: (1) the type of superior qualifications appointment; (2) the basis for the rate of basic pay requested; (3) a complete justification for the use of the authority; and (4) a narrative

comparing the candidate's qualifications with those of any others who may have been determined to be among the best qualified available.

- i. Record-keeping. The D.C. Office of Personnel will maintain a record of each request for superior qualifications (whether or not the request is approved). Each case file is to include, in addition to the Superior Qualifications Checklist, a copy of the following: (1) the candidate's D.C. Form 2000, Employment Application; (2) the Standard Form 59; and (3) the Rating and Ranking Schedule and Selection Certificate (if the individual was selected competitively). The original Standard Form 59 for an approved superior qualifications appointment will be filed on the right side of the selectee's Official Personnel Folder (OPF).
- j. Documentation of Personnel Action. The personnel action for an approved superior qualifications appointment must be annotated in the remarks block to show the approval of the Director of Personnel. An example of the language required is as follows:

"Rate of basic pay for Ms. Jane Brown at the fourth (4th) step of DS-13 approved by the Director of Personnel on September 15, 2003, because of the candidate's superior qualifications."

5. Effective date

This instruction is effective immediately.

Judy D. Banks
Acting Director of Personnel